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1 it, they would.

2 Q. Okay. So at that point, the
3 discount was authorized, correct, and the
4 associate had management's approval to go
5 ahead and give that coupon, correct?

6 A. Yes, yes.

7 Q. Now, any other specific instance
8 you can recall that management was aware
9 that coupons were being given out to
10 customers who weren't eligible for them?

11 A. Well, Terry Gandy bought a cook
12 top and a dishwasher from Stephanie Darby.

13 Q. Okay.

14 A. Using two \$30 coupons.

15 Q. Do you know if he was eligible to
16 receive those coupons?

17 A. No, because she got them out of
18 the drawer.

19 Q. Well, that's not my question.

20 A. He didn't bring them in.

21 Q. Do you know what the terms of
22 those coupons were?

23 A. But it's only legal by Sears'

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1 policy if you bring them in.

2 Q. But what I'm asking you is those
3 \$30 coupons according to the terms on the
4 coupon, was there anything that you know of
5 on those terms of the coupons that would
6 prevent Terry Gandy from being eligible for
7 it?

8 A. Well, I was thinking that if he
9 didn't bring them then he wasn't eligible
10 anyway. It should have been his own
11 personal coupon that Sears sent him.

12 Q. But the terms of the coupon --

13 A. I don't know. I couldn't tell
14 you what the terms of the coupons were.

15 Q. So you don't know under the terms
16 of the coupon if he was entitled to that
17 discount?

18 A. Well, I know he wasn't because he
19 didn't bring them in. That was what every
20 customer --

21 Q. Other than not bringing them in,
22 do you know if according to what the coupon
23 said and the instructions on the coupon

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1 were that they were permitted for anybody
2 to use?

3 A. Well, it's one coupon per
4 customer you said.

5 Q. No, that was on the -- that was
6 on the service coupon.

7 A. Well, I'm sure --

8 Q. The specific terms of the service
9 coupon. Do you know what this \$30 coupon
10 said that Stephanie Darby used in that
11 transaction?

12 A. I didn't never read it, I really
13 didn't. But I know it wasn't his, I know
14 that.

15 Q. But you don't know if he was
16 eligible for it or not?

17 A. No, I don't. But I doubt it.

18 Q. Any other instance where you
19 claim that management was aware of coupons
20 being given to customers --

21 A. They were.

22 Q. -- ineligible, but any other
23 specific instance that you can recall that

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1 you're aware of?

2 A. I'm not claiming that they were,
3 they were.

4 Q. Any specific facts you have to
5 support your conclusion that they were
6 other than what you --

7 A. They were.

8 Q. Other than what you've already
9 give me?

10 A. I've seen it, they were.

11 Q. Okay.

12 A. I never read the coupons, but
13 believe this, they were.

14 Q. Okay. I understand that's your
15 conclusion, Ms. Willis. And I'm really not
16 trying to be difficult. And you've given
17 me two examples where you say that
18 management was aware that these coupons
19 were being given out to customers who were
20 not eligible for them. Any other examples
21 besides those that you have given me that
22 you can think of?

23 A. Not at this moment, no.

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1 Q. Okay. Are there any employees
2 that you claim that were not terminated for
3 giving the service coupon to customers who
4 were not eligible to receive it?

5 A. I didn't understand.

6 Q. Okay. Are there any employees
7 that you are aware of that were not
8 terminated that you claim were giving
9 customers the service coupon who were not
10 eligible to receive it?

11 A. Stephanie Darby and Carolyn
12 Landers.

13 Q. Anyone else?

14 A. I know those two for sure.

15 Q. Okay. Anybody else?

16 A. You said that's still employed
17 there?

18 Q. No, not necessarily. Not
19 necessarily still employed there but were
20 not terminated.

21 A. Well, Carolyn Landers and
22 Stephanie Darby. Now, Jackie Dodson has
23 used them too.

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1 Q. Okay.

2 A. Probably all of them.

3 Q. Do you know if -- let's start
4 with Stephanie Darby. Do you know if
5 Stephanie Darby gave the service coupon to
6 anyone who did not receive a service call?

7 A. Yes.

8 Q. Okay. How do you know?

9 A. Because actually I have seen her
10 give reductions to customers.

11 Q. Using the service coupon?

12 A. Using the service coupon.

13 Q. Okay. Do you know if that
14 customer had a service call?

15 A. I don't know.

16 Q. So you don't know if they were
17 eligible for it or not?

18 A. No.

19 Q. Okay. Now, when was that that
20 you saw her use that?

21 A. I'm not really sure, but I know
22 she used it.

23 Q. Okay. Was anyone else present?

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1 A. I don't know. I don't know.

2 Q. Do you know if management was
3 aware that she used the service coupon?

4 A. Yes, they were.

5 Q. How do you know?

6 A. Because I have seen Terry Gandy
7 standing back there talking to her while
8 she rang up the sales.

9 Q. Using the service coupon?

10 A. Using the service coupons too.

11 Q. And when was that?

12 A. I can't recall an exact time.

13 Q. Do you know if Gandy knew that
14 this customer had a service call or not?

15 A. He knew that they didn't because
16 she got it out of the drawer.

17 Q. Okay. Do you know if Gandy saw
18 her get it out of the drawer?

19 A. I do and he did because I was
20 standing right there.

21 Q. Do you know if he understood what
22 coupon it was?

23 A. Uh-huh. Terry Gandy used to be a

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1 sales associate.

2 Q. But do you know if he read the
3 terms of the coupon?

4 A. One thing about the coupons, you
5 know the difference. That was just a
6 little envelope.

7 Q. Do you know if he read the terms
8 of the coupon?

9 A. Service only gave out one
10 coupon --

11 Q. Ms. Willis, my question is --

12 A. -- for a service call, he knew.

13 Q. Do you know if he read --

14 A. He knew.

15 Q. -- the terms of the coupon when
16 Stephanie was using it?

17 A. I mean, he never asked her any
18 questions.

19 Q. I'm asking you: Did you know if
20 he read the terms of the coupon?

21 A. He didn't just grab it and look
22 at it.

23 Q. But do you know if he read it or

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1 not?

2 A. I don't know. But he's seen it.
3 I mean, it was obvious that was the service
4 coupon. He knew them. He knew the
5 difference.

6 Q. Do you know if Terry called
7 service at that point in time to find out
8 if this customer had a service call?

9 A. I doubt it.

10 Q. Do you know if he did?

11 A. No, he didn't.

12 Q. Do you know if he did?

13 A. He didn't.

14 Q. Do you know if he did?

15 A. He didn't.

16 Q. How do you know he didn't?

17 A. I know he didn't.

18 Q. Okay. Tell me every fact you
19 have to support your conclusion that you
20 know he didn't call service.

21 A. I know he didn't.

22 Q. Tell me every fact you have.

23 A. He probably didn't call on mines

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1 either.

2 Q. Tell me every fact you have that
3 supports your conclusion that Terry
4 Gandy --

5 A. I just don't believe it.

6 Q. Okay. You say you don't believe
7 it?

8 A. I don't believe it.

9 Q. That's your belief, you don't
10 have any facts to support your belief that
11 he didn't call to find out if she received
12 a service call --

13 A. I'm sure it wouldn't be hard to
14 get.

15 Q. I'm sorry?

16 A. It wouldn't be hard to get.

17 Q. What wouldn't be hard to get?

18 A. The facts because I truly don't
19 believe that he called.

20 Q. So that's your belief is that he
21 didn't call?

22 A. I definitely don't believe he
23 did.

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1 Q. But you don't know if he did or
2 not that's just what you believe?

3 A. I don't, no.

4 Q. Do you know the circumstances of
5 when Darby used this coupon?

6 A. No.

7 Q. The service coupon, do you know
8 if the customer had brought it in?

9 A. No, I know she got it out of the
10 drawer. I was looking at her.

11 Q. And you don't recall when this
12 was?

13 A. No.

14 Q. And you don't know what customer
15 it was for?

16 A. No, I don't.

17 Q. Do you have any documents to
18 support this?

19 A. Well, I have documents that show
20 that she has used some of the coupons.

21 Q. Okay. Do you have documents to
22 show that she used the service coupon?

23 A. You had them in your stack

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1 somewhere. We produced them for you. It's
2 on the same thing here, associate summary,
3 869, that's her associate number.

4 Q. Are these what you're referring
5 to associate summary for associate 869?

6 A. Uh-huh.

7 Q. Okay. I'm going to go ahead and
8 mark those as Defense Exhibit 9, put that
9 sticker on there for me. Thank you.

10 (Defendant's Exhibit No. 9 was
11 marked for identification.)

12 Q. Now, on page eighty-one, does
13 that indicate that Darby used the service
14 coupon to give a discount on associate
15 summary associate number 869?

16 A. That's not -- on here, she
17 didn't. But on eighty-two she did.

18 Q. Okay. Let's start with
19 eighty-two. Eighty-two, which one are you
20 looking at?

21 A. 6839.

22 Q. Okay. Do you know if customer
23 Herrick had a service call?

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1 A. Uh-uh.

2 Q. Okay. Do you know if that, in
3 fact, was that discount was given using the
4 service coupon?

5 A. I know for a fact.

6 Q. How do you know?

7 A. Because, I mean, I worked at
8 Sears a long time and I know that's the
9 only way you could get a \$65 reduction is
10 if you had used that service coupon.

11 Q. But you already said out of area
12 delivery was \$65; is that correct?

13 A. It would not be the same. This
14 shows a reduction here, a reduction of 65.

15 Q. Correct.

16 A. If it was out of area delivery,
17 it wouldn't be on here.

18 Q. Okay. But if she were
19 reducing --

20 A. This was a reduction and that's
21 -- if you pull that original tape, that's
22 what it's going to show.

23 Q. Okay. Now, that's the total

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1 reduction amount, correct?

2 A. Yes.

3 Q. Okay. So there could've been
4 various discounts totaling 65; is that
5 correct?

6 A. Uh-uh.

7 Q. There couldn't have been?

8 A. Uh-huh.

9 Q. Why not?

10 A. Because Sears' coupons wasn't
11 that way. If you take for an instance
12 on --

13 Q. So she couldn't have had, you
14 know, a \$5 coupon and then a \$55 or a \$60
15 coupon?

16 A. Uh-huh, this was a service
17 coupon.

18 Q. Just what is your belief based on
19 that that's a service coupon?

20 A. I know it is.

21 Q. Just because the amount of \$65?

22 A. If you go back to Sears and have
23 them give you that original receipt, it

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1 will show -- if you look at the receipt, it
2 will show that same \$65 service coupon.

3 Q. Okay. That's what you claim
4 it -- do you have that receipt?

5 A. Oh, I don't have the receipt.

6 Q. Okay.

7 A. But that's what this was about.

8 Q. Okay. Is there any way you can
9 show it without that receipt?

10 A. Well, if you go back and pull up
11 that original sale.

12 Q. Okay. Is there any other way to
13 show by looking at that that was a \$65
14 coupon?

15 A. Uh-uh.

16 Q. Now, you said on the next page,
17 eighty-three.

18 A. Eighty-three.

19 Q. Okay. That has a \$95 reduction
20 amount. Is that what you're looking at for
21 customer Jones?

22 A. Right. That's a \$65 coupon and a
23 \$30.

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1 Q. Okay. How do you know that?

2 A. I just knew the coupons.

3 Q. You're just assuming that was a
4 \$65 coupon given there?

5 A. I know that it was.

6 Q. How do you know?

7 A. I mean, you know your job. I did
8 this for years.

9 Q. I'm asking you --

10 A. I know that that's a \$30 coupon
11 and that is a \$65 service coupon.

12 Q. So you just believe that that's
13 what it is?

14 A. I know that it is.

15 Q. You don't have any facts to
16 support that?

17 A. If you go back and get the
18 original receipt. They have it in that
19 store somewhere.

20 Q. Do you have the original receipt?

21 A. I don't have the original but
22 they got it. If you go back to that date
23 then you'll see what I'm telling you.

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1 Q. Okay. But do you have that
2 receipt?

3 A. No.

4 Q. Do you have any documents to
5 establish that the \$65 coupon was used?

6 A. Uh-uh. I'm telling you if you
7 want to find out for sure that's what you
8 can do.

9 Q. Okay. But you don't have that
10 document here today, correct?

11 A. Oh, no, no.

12 Q. Okay. So that's just based on
13 your assumption that a \$30 coupon was used
14 and a \$65 coupon was used, correct?

15 A. Uh-huh.

16 Q. Is that a "yes"?

17 A. Yes.

18 Q. Do you know if customer Jones had
19 a service call?

20 A. I don't know.

21 Q. So you don't know if he was
22 eligible to receive that coupon?

23 A. No.

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1 Q. Same thing with customer Herrick,
2 you don't know if he was eligible for she
3 was eligible to receive that coupon?

4 A. Even if he would have had a
5 service call, you wouldn't have had two \$65
6 coupons. She got two \$65 coupons.

7 Q. So couldn't have declined repair
8 on two things, is that right, for the same
9 amount?

10 A. Oh, no. You get one \$65 coupon.

11 Q. Do you know if anybody in
12 management was aware of these transactions?

13 A. I don't know.

14 Q. Any other instance you claim that
15 Darby used the service coupon?

16 A. Uh-uh. This is all you had, so
17 this is probably all she had in there.

18 Q. Any other uses by Darby of the
19 service coupon that you're aware of other
20 than these that we just went over?

21 A. Not to my knowledge.

22 Q. Now, you also mentioned Carolyn
23 Landers. You claim that she also gave the

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1 service coupon to customers who were
2 ineligible for it; is that right?

3 A. Yes.

4 MR. MCINTYRE: Don't you want to
5 get your sticker on this?

6 THE WITNESS: Wait a minute, she
7 gave me one.

8 MS. HEMSTREET: They're all
9 together.

10 Q. Here you go, Ms. Willis, that
11 will probably --

12 A. Thank you.

13 Q. Sure. Now, do you know if
14 Stephanie Darby -- I'm sorry -- do you know
15 if Carolyn Landers gave the service coupon
16 to a customer who didn't receive a service
17 call or wasn't eligible for it?

18 A. I know she did, yeah.

19 Q. Okay. How do you know?

20 A. Because that was a practice.

21 Q. Tell me specifically how you know
22 that she gave this coupon to people who
23 weren't eligible for it.

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1 A. I've seen her.

2 Q. You've seen her. Do you know
3 when?

4 A. No.

5 Q. And tell me what the
6 circumstances were.

7 A. Well, I mean, she wanted to close
8 the sale.

9 Q. Do you know what customer it was?

10 A. No. I mean, it was nothing
11 unusual. All of them did it.

12 Q. And how do you know this customer
13 didn't receive a service call?

14 A. Because I looked at her when she
15 pulled it out of the drawer.

16 Q. So you saw her pull it out of the
17 drawer?

18 A. I saw her.

19 Q. Was anybody else there?

20 A. I'm not really sure. But, I
21 mean, all of them was aware of it.

22 Q. But was anybody else there?

23 A. Not to my knowledge, I don't

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1 know.

2 Q. Okay. So you claim you saw her
3 take it out of the drawer. And do you know
4 if the customer had a service call?

5 A. No. If she took it out of the
6 drawer, they didn't.

7 Q. But do you know if they had a
8 service call?

9 A. I know they didn't. She took the
10 coupon out of the drawer. They didn't
11 bring it in with them.

12 Q. But do you know if they had had a
13 service call?

14 A. They hadn't.

15 Q. How do you know they hadn't?

16 A. I mean, if they had had a service
17 call, then would've brought the coupon in
18 with them. If she took it out of the
19 drawer, then they didn't bring it in with
20 them.

21 Q. Do you know if management
22 approved this transaction?

23 A. Well, not all of them they had to

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1 approve now. Just the ones that wouldn't
2 scan.

3 Q. But do you know if management
4 gave her permission to do this?

5 A. No, management didn't even come
6 over there.

7 Q. Do you know if they had given her
8 permission to do this?

9 A. Management didn't come over
10 there.

11 Q. So you don't know when this
12 happened. You don't know what customer it
13 was. But you saw her take the coupon out
14 of the drawer. And you don't know if the
15 customer had a service call or not?

16 A. Well, I know they didn't because
17 she pulled the coupon out of the drawer.
18 They didn't bring it in with them. I was
19 standing right there when she opened the
20 drawer and got it.

21 Q. So you're assuming they didn't
22 have a service call because she got it out
23 of the drawer?

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1 A. I know they didn't. If they had
2 of had a service call, they would've
3 brought it in with them. She pulled it out
4 of the drawer.

5 Q. Do you know if anybody in
6 management was aware of this particular
7 transaction that you're talking about?

8 A. I can't say that they were.

9 Q. Now, Ms. Willis, you told me that
10 you thought that Carolyn Landers had used
11 the service coupon. Do you know if
12 management was aware of her use of the
13 service coupon?

14 A. I'm more than sure they was.

15 Q. Okay. How do you know that?

16 A. Because I'm just sure that they
17 was.

18 Q. What facts do you have to support
19 your conclusion?

20 A. I don't have any facts, but you
21 can rest assure they knew.

22 Q. Okay. That's your assumption is
23 that they knew?

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1 A. They knew.

2 Q. But do you have any facts at all
3 to support your assumption?

4 A. They knew that I used them.

5 Q. I'm sorry?

6 A. They knew that I used them. They
7 knew what was going on. They allowed it.

8 Q. Do you have any facts
9 specifically with respect to Ms. Landers
10 that management was aware that she was
11 using these service coupons?

12 A. You know what, I know that they
13 knew.

14 Q. Okay. Tell me how you know that.

15 A. Because they knew everybody that
16 was using that around there and that was
17 everybody in the store that worked in
18 appliances.

19 Q. Okay. How do you know that they
20 knew that everybody was using them?

21 A. I know that they did. If they
22 had to come out there and sometimes give us
23 permission, you know, swipe their cards to

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1 okay it, they knew what was going on.

2 Q. So --

3 A. They okayed it.

4 Q. Did you ever tell management that
5 Landers was using the service coupon when a
6 customer wasn't eligible for it?

7 A. That wasn't my business.

8 Q. Okay. Do you know if anybody
9 else did?

10 A. I don't know what nobody else
11 did, I just didn't.

12 Q. Do you know of any other way that
13 management would be aware that anybody else
14 was misusing service coupons?

15 A. They knew that that service
16 coupon was being used. I've stated over
17 and over again that they knew.

18 Q. Right, but I'm asking you for --

19 A. They would have to come out there
20 in some instances and swipe for us to give
21 the reduction.

22 Q. On the service coupon?

23 A. On any of them. If they didn't

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1 swipe and we called them, called
2 management --

3 Q. I'm specifically talking about
4 the service coupon. That's what I'm
5 specifically talking about. How do you
6 know if management was aware that Landers
7 was giving the service coupon out when she
8 wasn't supposed to?

9 A. Because that was the practice
10 around the store. Management knew it.

11 Q. Okay. Just generally because
12 that was the practice?

13 A. I worked there so I knew that
14 management knew.

15 Q. You don't have any specific facts
16 to back that up?

17 A. I don't, but I know that they
18 knew it.

19 Q. Okay. Now, do you know if Darby
20 was working in October of 2004 in
21 appliances?

22 A. I'm not really sure whether she
23 had went out to work with the remodel or

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1 not. I'm not really sure.

2 Q. Okay. Now, do you know --

3 Landers was employed in October of 2004; is
4 that correct?

5 A. Yeah, she was.

6 Q. Okay.

7 A. I think it was me -- I don't
8 think Stephanie was there at that time.

9 Q. Do you have any evidence to
10 support or to show that Landers used the
11 coupon or misused the service coupon in
12 October of 2004?

13 A. No. I know that she used it.
14 She might not have used it in October, but
15 she used it.

16 Q. Okay. Do you know if she used it
17 in October of 2004?

18 A. I don't know how many times she
19 used it, but she used it.

20 Q. Do you know if she used it in
21 October of 2004?

22 A. I'm more than sure she did.

23 Q. Okay. How do you know, do you

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1 have any documents to back that up?

2 A. You've got the summaries, don't
3 you, you've got the one for Stephanie so
4 I'm more than sure you got the summary for
5 her. I'm telling you it was a practice.

6 Q. And what was her associate
7 number, was it 414?

8 A. Yeah, 414.

9 Q. I'm going to mark as Defense
10 Exhibit 10.

11 (Defendant's Exhibit No. 10 was
12 marked for identification.)

13 Q. Let me find my copy here. Okay.
14 So these are the only documents you have
15 that show when Ms. Darby -- I mean, when
16 Ms. Landers used the service coupon, is
17 that right, or supposedly used the service
18 coupon?

19 A. Yes.

20 Q. Okay. Now if you look at
21 document 86.

22 A. 86?

23 Q. Correct.

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1 A. I have got 89.

2 MR. MCINTYRE: What?

3 A. Wait a minute, here it is. I put
4 it on.

5 MR. MCINTYRE: In the wrong
6 place.

7 A. Yeah, there we go.

8 Q. Okay. Does this show that
9 associate 414 used a service coupon?

10 A. That 11699, that's what you're
11 talk about?

12 Q. No, any of them, any of the
13 transactions on this page.

14 A. I don't know what she did there
15 to be giving that kind of reduction. I
16 couldn't tell you what she did there.

17 Q. On any of these transactions, you
18 can't tell which ones --

19 A. Uh-uh, I don't know what she did.
20 You'll have to look back at the receipt for
21 these.

22 Q. Okay. What about on page
23 eighty-nine, can you tell if she used the

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1 service coupon on that one?

2 A. Uh-uh, uh-uh.

3 Q. Okay. What about document number
4 ninety, any indication that she used the
5 service coupon on that one?

6 A. Hite.

7 Q. Hite, okay, a \$65 reduction; is
8 that right?

9 A. Yes.

10 Q. Do you know if that customer had
11 a service call?

12 A. I don't.

13 Q. Okay. Do you know if management
14 was aware of this transaction?

15 A. I don't. I'm not going to say
16 that because I don't know. I mean, we were
17 commission salespeople. So I didn't just
18 stand there and watch her all day. I just
19 knew that they knew that that was a
20 practice.

21 Q. Okay. What about page
22 ninety-one, there is a \$65 reduction there.
23 Do you know if that was a service coupon?

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1 A. That was a coupon, yes, it was.

2 Q. Do you know if it was a service
3 coupon?

4 A. It was a service coupon is what
5 I'm telling you.

6 Q. How do you know, just because of
7 the \$65 amount?

8 A. Uh-huh.

9 Q. Okay. But there is no indication
10 as to what bar code was scanned on that, is
11 there?

12 A. You've got that original receipt
13 which it is on there.

14 Q. Okay. But you can't tell by
15 looking at this, can you?

16 A. Oh, no, not by looking at that.
17 But I know that that's what it is.

18 Q. Okay. But you can't tell by
19 looking at this, the associate summary,
20 what coupon it specifically it was, can
21 you?

22 A. Uh-uh.

23 Q. Okay. Do you know if that

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1 customer had a service call?

2 A. I don't.

3 Q. Same thing on number ninety-two.

4 A. Scaife, that's what it is.

5 Q. \$65 reduction, do you know if the
6 service coupon was used to give that?

7 A. Uh-huh, it was the service
8 coupon.

9 Q. How do you know, just because of
10 the amount?

11 A. Yeah.

12 Q. Okay. But you don't have the bar
13 code to link that to that particular
14 amount, do you?

15 A. It's on that receipt.

16 Q. Okay. But it's not --

17 A. That original receipt is on
18 there.

19 Q. Have you seen that?

20 A. I know it's on there.

21 Q. But have you seen it?

22 A. If you bring it in here, you'll
23 see that \$65 reduction was from that

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1 service coupon.

2 Q. Right. But those are purged
3 after thirty days, correct?

4 A. What do you mean?

5 Q. The journal tapes, the receipts
6 are purged after thirty days?

7 A. They keep them. They keep them.

8 Q. You think that they keep them?

9 A. They do. And on the back side
10 here, the \$253 --

11 Q. Who keeps them?

12 A. They are kept in the hub.

13 Q. Who keeps them?

14 A. The 253.79, the \$65 reduction
15 that's on here, that was the service
16 coupon.

17 Q. Okay. Who keeps the receipts?

18 A. They used to be kept back in the
19 hub.

20 Q. They used to be kept in the hub?

21 A. Uh-huh.

22 Q. Okay. Do you know if they
23 stopped doing that at some point?

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1 A. I've been gone almost two years.
2 I don't know what they are doing now.

3 Q. Okay. Do you know if they kept
4 the receipts when you were terminated?

5 A. They did at the time. They did
6 at the time I was there. I don't know what
7 they're doing now.

8 Q. Okay. But you think that they
9 kept them at that time?

10 A. Yeah, they did.

11 Q. At the time you were terminated?

12 A. They did.

13 Q. How do you know that?

14 A. I mean, I told you we would have
15 to turn in the rolls.

16 Q. You said you would turn them in,
17 but you didn't know if other people turned
18 them in; is that correct?

19 A. Well, I said that if they were
20 following Sears' policy, then they were
21 doing the same thing.

22 Q. Okay. But you don't know if
23 other associates were turning them in; is

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1 that right?

2 A. Uh-uh.

3 Q. Now, do you know on page
4 ninety-three if customer Pitts had a
5 service call?

6 A. I don't, but I doubt it.

7 Q. Okay. But do you know if he did
8 or not?

9 A. I don't know, no.

10 Q. So do you know if that customer
11 was eligible to receive that coupon?

12 A. I don't know.

13 Q. Okay. Do you know if management
14 was aware of this transaction and whether
15 or not they had received a service call?

16 A. I don't know. Because, see, you
17 would actually have to know the customer,
18 you know, to be able to --

19 Q. What about on -- have we gone
20 through all of these? Now, on any of
21 these, do you know if any of these
22 customers from the associate summaries that
23 we looked at had a service call?

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1 A. I don't.

2 Q. And what about on Darby's which
3 was exhibit -- what was that?

4 A. Nine.

5 Q. Nine, do you know if any of her
6 customers that were given the \$65 discount
7 had a service call?

8 A. I doubt it, but I don't know for
9 sure.

10 Q. Anybody else besides those two
11 individuals that you claim used the service
12 coupon --

13 A. Jackie Dodson, she used it too.

14 Q. -- that were not terminated --
15 Jackie Dodson?

16 A. Uh-huh.

17 Q. Do you have any documents to
18 support the fact that you claim she misused
19 the service coupon?

20 A. Well, I mean, it was a practice.

21 Q. But do you have any specific
22 instances that you recall where she gave
23 the service coupon and she wasn't supposed

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1 to?

2 A. Let me think. I know that she
3 did though. I know that she did. I'm not
4 really sure on that one, but I know she
5 did.

6 Q. You don't know of any specific
7 instances where she gave the service coupon
8 and she wasn't supposed to?

9 A. Not specifics.

10 Q. And Dodson is African American,
11 correct?

12 A. Yes.

13 Q. And she is not terminated,
14 correct?

15 A. I guess. She wasn't when I --

16 Q. She wasn't terminated; is that
17 right?

18 A. During the time when I was
19 terminated.

20 Q. And she's still working there,
21 correct?

22 A. I guess, I don't know.

23 Q. Do you know if Dodson misused

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1 this coupon during the month of October of
2 2004?

3 A. I don't know.

4 Q. Do you know what Sears did to
5 investigate the coupon and the misuse of
6 the service coupon?

7 A. Well, the only thing I heard was
8 that Kenny told me that Terry had called
9 service.

10 Q. Called the service department?

11 A. Service department, yes.

12 Q. To verify who had a service call?

13 A. That's what he said.

14 Q. Okay. That's what Terry told
15 you?

16 A. That's what Kenny told me.

17 Q. That Terry had done?

18 A. Yes.

19 Q. Okay. Do you have any other
20 information regarding who conducted the
21 investigation?

22 A. No.

23 Q. Do you know what the

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1 investigation showed into the misuse of the
2 service coupon?

3 A. No.

4 Q. Do you know how the results of
5 this investigation for certain associates
6 compared to yours?

7 A. No.

8 Q. Do you know if the other
9 departments in the brand central were
10 investigated?

11 A. I doubt it, but I don't know.

12 Q. Do you know what that
13 investigation revealed?

14 A. Uh-uh.

15 Q. Is that a "no"?

16 A. No.

17 Q. Okay. Do you know what service
18 told Terry regarding these transactions
19 that they were investigating as to whether
20 or not these customers had service calls or
21 not?

22 A. I don't believe he called them,
23 but I don't.

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1 Q. So you don't know what service
2 told Gandy or anybody else in management --

3 A. I don't believe he called them.

4 Q. -- regarding these transactions?

5 A. I don't believe he called them.

6 Q. Okay. But do you know what
7 service told him or if they told him
8 anything?

9 A. I don't.

10 Q. You filed a complaint, is that
11 right, alleging that you were discriminated
12 against because of your race? This is
13 different than your EEOC, you actually
14 filed a lawsuit in court; is that right?

15 A. Uh-huh.

16 Q. Is this a copy of the complaint
17 -- I'm marking this as Defense Exhibit 11.
18 (Defendant's Exhibit No. 11 was
19 marked for identification.)

20 Q. Is that a copy of the complaint
21 you filed in federal court against Sears?

22 A. (Witness reviewing document.)

23 Yes, it is.

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1 Q. Okay. Now, you're claiming in
2 your complaint that you were discriminated
3 against based on your termination; is that
4 right?

5 A. Uh-huh.

6 Q. Okay. Is that the only basis of
7 your claim for race discrimination is your
8 termination?

9 A. Well, yeah, because, I mean --

10 Q. But that's what -- I'm just
11 confirming --

12 A. Yes.

13 Q. -- that that's the case.

14 A. Yes.

15 Q. Okay. Now, have you told me
16 about every other white associate that you
17 think had misused the service coupon that
18 you refer to in your complaint?

19 A. Yes.

20 Q. Okay. So Stephanie Darby?

21 A. That I can recall.

22 Q. So Stephanie Darby and Carolyn
23 Landers are the only two that you claim

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1 misused -- well, and Jackie Dodson misused
2 the service coupon and were not
3 terminated --

4 A. Well, I'll say that I seen
5 personally use these coupons.

6 Q. Okay.

7 MR. MCINTYRE: Let me interject.
8 She mentioned earlier which was different
9 was that Miller --

10 THE WITNESS: Yeah, he worked in
11 the department with us.

12 Q. Okay. Do you have -- well, what
13 I'm getting at here, Ms. Willis, if you
14 look you say in your complaint you say
15 other white associates were doing the same
16 thing meaning that they too were misusing
17 the service coupon. You've told me about
18 specifically about Stephanie Darby and
19 Carolyn Landers. Any other white
20 associates that you claim misused the
21 service coupon and were not terminated?

22 A. Those were the two that I knew
23 used them and I knew nothing happened to

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1 them.

2 Q. Okay. Anybody else besides
3 Jackie Dodson but she's not white, she's
4 black?

5 A. Right. That wasn't terminated,
6 right?

7 Q. Correct.

8 A. Okay. Just those two.

9 Q. Okay.

10 A. Now, Merrill, he was, if I'm not
11 mistaken, he was still training. And see,
12 even when they're in training, they ring up
13 under our number. That's why I could not
14 just sit here and tell you that I ring all
15 the sales.

16 Q. Okay. Do you have any
17 information that Merrill misused the
18 service coupon, personal knowledge that
19 Merrill misused the service coupon?

20 A. I can't tell you I sit here and I
21 seen him. You know, because he would wait
22 on his customers and I would wait on mine.

23 Q. Now, it's my understanding from

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1 your complaint that you are seeking back
2 pay; is that right?

3 A. Well --

4 Q. As damages?

5 A. Yeah.

6 Q. Is that correct?

7 A. Yeah.

8 Q. Okay. It's also my understanding
9 from your interrogatory responses and your
10 complaint that you're not making a claim
11 for mental anguish or emotional stress?

12 A. No.

13 Q. And you're not seeking any
14 compensatory damages?

15 A. What do you mean?

16 Q. Mental anguish damages, you're
17 not claiming you've seen doctors or
18 anything as a result of this?

19 A. No.

20 Q. Okay. Haven't experienced mental
21 anguish or emotional distress in any way?

22 A. No.

23 Q. Okay. And you have produced your

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1 tax returns to us for the years that we've
2 asked for; is that right?

3 A. I think all except for 2000. I
4 think 2000 is missing.

5 Q. Yeah, but 2001 through 2005; is
6 that right?

7 A. Yeah.

8 Q. Okay. Do you recall how much you
9 made in 2005?

10 A. I was just working at Dillard's
11 in 2005. That was about 16,000.

12 Q. Okay. Until you got that second
13 job, but your income has increased since
14 then; is that right?

15 A. Not really.

16 Q. Since you've obtained that second
17 job?

18 A. Not really. Because the reason I
19 obtained that second job was because I
20 needed insurance. And standing on my feet
21 was starting to bother my feet. So that
22 was the reason, you know, one of the jobs I
23 stand and the other job I sit. But I think

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1 around the end of the year, I will probably
2 be either at 16,000 or less.

3 Q. Now, can you tell me what
4 information Shannon Bryant has related to
5 your claim against Sears?

6 A. I don't know.

7 Q. You don't know.

8 A. I mean, she's aware of how the
9 coupons and stuff was used because she was
10 there.

11 Q. Anything else that you claim Ms.
12 Bryant has knowledge of?

13 A. I just know about the coupons. I
14 know she knew how that was.

15 Q. Have you had any conversations
16 with her about this or your termination?

17 A. No. The only conversation I had
18 was when I was with my attorney with her.

19 Q. Do you know if Ms. Bryant was
20 investigated at Sears for writing bad
21 checks?

22 A. I wouldn't know. I really
23 wouldn't because see, she was in

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1 management, so I wouldn't know.

2 Q. Okay. So that's the only
3 information you claim Ms. Bryant has is how
4 coupons were being used at the store?

5 A. Well, I know that she knew that
6 because she was one of the managers that
7 would have to okay these things too. So I
8 know she would be aware of that.

9 Q. What about Wilborn Sanders, what
10 information do you claim that he has?

11 A. Well, he knew about the coupon
12 use.

13 Q. Anything else? When you say knew
14 about the coupon use, what do you mean?

15 A. He knew that if we called one of
16 the managers, the only thing they would do
17 is come out and okay it. So they was very
18 much aware of how we were using coupons
19 because it was a practice there.

20 Q. Any other information you claim
21 that he has regarding your allegations
22 against Sears?

23 A. That's about it.

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1 Q. Okay. What about Geraldine
2 Barnes, any information you claim that she
3 has?

4 A. Well, I mean, they knew about the
5 coupons too. Because not only were they
6 using them, they was using them all over
7 the store not just in brand central.

8 Q. They were using the service
9 coupons all over the store?

10 A. Not the service coupon, every
11 area have their own coupons.

12 Q. Okay. But we're talking
13 specifically about the service coupon.

14 A. So the other coupons don't
15 matter?

16 Q. So did Wilborn Sanders know how
17 the service coupon was being used or just
18 generally coupons?

19 A. Well, he knew that management was
20 very much aware of the coupon use around
21 the store. Not only the service coupons,
22 any other coupon.

23 Q. But do you know if Wilborn

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1 Sanders has any information regarding how
2 the service coupon was used?

3 A. I don't know.

4 Q. Okay. What about Geraldine, what
5 information do you claim that she has to
6 support your claim against Sears?

7 A. Like I said, she could tell you
8 about the coupon use.

9 Q. And, again, you're not talking
10 specifically about the service coupon; is
11 that right?

12 A. No, I'm talking about all of
13 them.

14 Q. Okay. Anything else that you
15 claim that she has information about
16 regarding your allegations against Sears?

17 A. No.

18 Q. What about Jimmie Tyson, any
19 information?

20 A. Just the coupon use. That's what
21 I was terminated for, so that's what I'm
22 trying to --

23 Q. So, again, not necessarily the

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1 service coupon but --

2 A. All over the store.

3 Q. Okay.

4 A. Coupons in general.

5 Q. So you don't know if he has any
6 information regarding how the service
7 coupon was used?

8 A. I don't know.

9 Q. What about Byron Mason, what
10 information do you claim he has?

11 A. Well, Byron, he knows exactly
12 what was going on, how the coupons was
13 used, service coupon and all of them. He
14 knew because he was a part of management.

15 Q. Any other information you claim
16 Mr. Mason has regarding your allegations
17 against Sears?

18 A. Well, he knew about Kenny and
19 Terry and them was, because they didn't
20 even make him aware that I was being
21 terminated.

22 Q. He was --

23 A. He was a part of management and

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1 he didn't know it.

2 Q. Was he your direct manager?

3 A. No, John Lawry was my direct
4 supervisor.

5 Q. Okay. But Byron was head of soft
6 lines, right, which is not your --

7 A. Right, but still he was assistant
8 store manager. John Lawry and Byron Mason
9 was assistant store managers.

10 Q. And Lawry was your direct
11 supervisor?

12 A. Right.

13 Q. Okay. What about James Benson,
14 what information does he have?

15 A. He worked in hardware. So, I
16 mean, he knew how the coupon use worked.

17 Q. Do you know if he has any
18 information regarding the service coupon?

19 A. He knew that management was aware
20 that we were using the coupons. Because he
21 also used them down in hard lines in
22 hardware.

23 Q. The service coupon?

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1 A. I wouldn't doubt it. I believe
2 he has too.

3 Q. Do you know if he did or not,
4 used the service coupon?

5 A. He was aware that they allowed us
6 to use them. This was something management
7 knew. And he was aware that management
8 knew about it.

9 Q. Any other information you claim
10 Mr. Benson has regarding your allegations
11 against Sears?

12 A. No.

13 Q. What about Anthony Smiley, what
14 information do you claim he has?

15 A. Same thing on the coupon.

16 Q. How generally coupons were being
17 used, not specifically the service coupon,
18 but just coupons in general?

19 A. Right.

20 Q. Okay. What about Mr. Collins?

21 A. Well, he knew about the coupon
22 use, my work ethics, you know, because I
23 worked under him for years. And he knew

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1 that all that stuff that they got claiming
2 that I did, he knows that I wouldn't have
3 done that.

4 Q. But he wasn't managing at that
5 time; is that right?

6 A. Exactly. Kenny had only been a
7 store manager eight months.

8 Q. What about Greg Newton, what
9 information do you claim that he has?

10 A. He knew what type salesperson I
11 was and that I would not have done the
12 things that they say that I did.

13 Q. What about the use of coupons,
14 would he know about the use of coupons?

15 A. He should, he should.

16 Q. Is that what --

17 A. He knew that all that stuff that
18 they put in my records that that wasn't me.
19 And I wouldn't do anything that I wasn't --
20 that they wasn't aware.

21 Q. What do you mean all the stuff
22 they put in your records?

23 A. About all those coupons, that I

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1 ring all those coupons. As I'm firmly
2 sitting here, I don't believe it. And like
3 I told Terry and Kenny, for all I know, you
4 all could've ring them. Now, I'm not
5 saying I didn't ring some of them. I'm
6 just not aware of which ones. But I'm not
7 saying that I rang them all.

8 Q. So you're not denying that you
9 did ring some of them?

10 A. Oh, rang --

11 Q. And that those customers didn't
12 have service calls; is that correct?

13 A. Well, I have rang customers that
14 didn't have service calls.

15 Q. Now, Nina, what information does
16 she have regarding your --

17 A. Well, she sit in on the
18 interrogation when they was --

19 Q. The meeting?

20 A. Yeah.

21 Q. With you and Terry, the first
22 meeting?

23 A. Right, right.

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1 Q. Okay. Any other information you
2 claim she has?

3 A. She knew about coupons too.

4 Q. Do you know if she has any
5 information regarding specifically the
6 service coupon?

7 A. I don't know what she has.

8 Q. Okay. What about Stephanie
9 Darby?

10 A. She definitely knew about it.

11 Q. The use of the --

12 A. Coupons.

13 Q. -- service coupons?

14 A. Yeah.

15 Q. What about Carolyn Landers?

16 A. She did too.

17 Q. The use of coupons?

18 A. Yes.

19 Q. Clint Teal?

20 A. He did too.

21 Q. And Jason Patrick?

22 A. Jason, he was security. He would
23 have to know too.

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1 Q. About what?

2 A. About the coupons. Most of the
3 one that's on there is the ones that knew
4 about the coupons.

5 Q. Okay. When you say knew about
6 the coupons --

7 A. They knew how they were being
8 used around the store.

9 Q. You mean taken out of the
10 register; is that right?

11 A. Right.

12 Q. Okay. Now, Jackie Dodson, same
13 thing?

14 A. Yeah, she knew. Now, whether
15 they own up to it or not, they still knew.

16 Q. Now, I'm going to give you
17 Defense Exhibit 12.

18 (Defendant's Exhibit No. 12 was
19 marked for identification.)

20 Q. Can you tell me when you wrote
21 that?

22 A. I can't remember the exact date.

23 Q. Do you remember why you wrote it?

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1 A. To let you guys know what was
2 going on and what I had said.

3 Q. Was it after you had filed a
4 lawsuit or before?

5 A. After.

6 Q. After you filed the EEOC charge?

7 A. Yeah.

8 Q. And after you had filed the
9 lawsuit?

10 A. Yeah.

11 Q. Okay. Now, you state in this
12 statement here that -- did you give this to
13 anybody?

14 A. Uh-uh, just my attorney.

15 Q. Okay. You didn't give it to
16 anybody at Sears?

17 A. No.

18 Q. Okay. Now, you say in here
19 Carolyn Landers and Stephanie Darby had
20 used the same store coupon, you're talking
21 the service coupons and no adverse action
22 was taken against them, correct?

23 A. Right.

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1 Q. Have you told me about all the
2 facts that you know about that, have we
3 gone over all that regarding Ms. Darby and
4 Ms. Landers?

5 A. That I could remember.

6 Q. Okay. Now, the second paragraph,
7 you say you called the Sears' ethics line
8 to report certain managerial improprieties.
9 Now, was that when you called them to
10 discuss scheduling; is that right?

11 A. Exactly.

12 Q. Okay. And you were unhappy with
13 the fact that you weren't getting the
14 schedule that you had wanted; is that
15 right?

16 A. Well, for this associate to come
17 in after a couple of months and then she
18 get the better hours. Usually your better
19 sales associate get the better hours. And
20 the part-timers work around our hours.

21 Q. Okay. Now, this associate that
22 you're talking about is Carolyn Landers?

23 A. Carolyn landers.

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1 Q. Now, was she part time?

2 A. Uh-huh.

3 Q. Okay. Was she a student, do you
4 know?

5 A. It didn't matter.

6 Q. But do you know if she was a
7 student?

8 A. All the ones I ever worked with
9 were students.

10 Q. Okay.

11 A. But they still worked around our
12 schedules.

13 Q. So she was a student; is that
14 right?

15 A. I don't know, I guess.

16 Q. Do you know what her availability
17 was?

18 A. I don't know that either.

19 Q. Okay.

20 A. But I'm thinking she was hired
21 for nights. That's what I'm thinking.

22 Q. Okay. But do you know what her
23 availability was, when she was available to

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1 work?

2 A. I don't know, no.

3 Q. So you don't know what her class
4 schedule was?

5 A. Uh-uh. But it wouldn't make any
6 sense if you got three daytime peoples to
7 hire somebody just to bring them in and you
8 don't need them for the morning. That
9 wouldn't make any sense.

10 Q. But y'all were available,
11 required to be available sixty-five out of
12 the seventy-three hours that Sears was
13 open, correct?

14 A. Well, yeah.

15 Q. Okay.

16 A. But it was only until Kenny Reese
17 got there that we didn't have -- they
18 always had their better associates working
19 during the day. That's when the biggest of
20 the customers are there. It was only when
21 he got there that this changed.

22 Q. Do you know what Carolyn's
23 availability was?

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1 A. I didn't, I didn't have nothing
2 to do with her availability. But I know it
3 was unfair for him to bring her in after
4 being there a couple of months.

5 Q. Okay. And you called the ethics
6 hotline or Sears 1-800-assist number,
7 right?

8 A. Yes.

9 Q. Now, when you were in this
10 meeting with Terry and Nina, did you tell
11 him or Nina specifically who else was
12 misusing the service coupon?

13 A. I didn't tell him anything. I
14 told you, I didn't have a clue that I was
15 getting ready to lose my job.

16 Q. But you didn't mention anybody
17 else was misusing the service coupon; is
18 that right?

19 A. Uh-uh, if they was doing the
20 investigation, they should've known. And
21 it wasn't like Terry and them didn't know,
22 they knew.

23 Q. Okay. At the bottom of page

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1 thirty-nine, the very last sentence. It
2 says that all the years you've been
3 employed with Sears, you never had the fear
4 of losing your job because you were a black
5 female; is that right?

6 A. Right.

7 Q. Now, when you called the HR, the
8 1-800-assist number, do you remember what
9 you told them?

10 A. Well, what it was I asked them
11 did he have the authority to just up and
12 just change our schedules and stuff. Take
13 our off days from us because that's what he
14 was trying to do. You know, we had just
15 set every Tuesday and Sunday was my days
16 off. So, you know, he was saying that all
17 that was going to change. And, you know,
18 our availability was when he needed us.
19 And, you know, I just called them to see.
20 And what they told me was that they could
21 guarantee me one regular day off a week.
22 And rest of it was left up to management.

23 Q. Okay. Is that all you told them?

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1 A. Yeah. Actually, that's what I
2 was trying to find out whether he could
3 actually do that. Because all the other
4 store managers that I've worked under, they
5 have always had their better associates
6 there during the better hours. Because if
7 we chose to work for Sears full time, then
8 we would get the better hours.

9 Q. Now, have you told me every
10 instance that you know of where Terry Gandy
11 has made a purchase using a coupon that was
12 pulled from the drawer?

13 A. I know he bought a dishwasher,
14 cook top and a TV that I know of.

15 Q. So we've talked about that
16 already though, right?

17 A. Right.

18 Q. Now, Mr. Johns, George Johns is a
19 customer, correct, of Sears?

20 A. Yes.

21 Q. Okay. Is he a friend of yours?

22 A. No, he's not a friend but I know
23 him.

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1 Q. Okay. Does he have any knowledge
2 regarding your reason for termination?

3 A. What do you mean?

4 Q. Like does he have any idea why
5 management terminated you, does he have any
6 information about your termination?

7 A. Well, he said that he went into
8 the store and one of the associates in the
9 store told him that I had been terminated.

10 Q. Okay. Do you know if he talked
11 to management about it?

12 A. I don't know.

13 Q. Okay. Do you know if he has any
14 information as to whether or not other
15 Sears associates gave out the service
16 coupon when they weren't supposed to?

17 A. I don't know whether he has any
18 information on the service coupon. But I
19 know that he has information on coupons
20 that was pulled out of the drawer.

21 Q. Okay. Same thing with Ms. Johns,
22 do you know if she has any information
23 about your termination?

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1 A. Well, that's her husband so, I
2 mean, and they had to go in there together.
3 So they probably told both of them at the
4 same time.

5 Q. Do you know if she discussed your
6 termination at all with management?

7 A. I don't know.

8 Q. Okay. Do you know if she has any
9 information or facts to show that other
10 sales associates misused the service coupon
11 who weren't terminated?

12 A. Well, no. But I do know that she
13 came in to make a purchase from me but I
14 wasn't there. So she had to buy it from
15 another associate that ringed it in my
16 number.

17 Q. And who was that associate?

18 A. Jackie Dodson.

19 Q. Do you know if she used the
20 service coupon on that?

21 A. I don't think she -- it wasn't
22 the service coupon, but it was a \$50
23 coupon.

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1 Q. Okay.

2 A. And she used a \$50 coupon on both
3 of the transactions. But I didn't ring
4 that sale. She ringed it. And I wasn't
5 even at the store. That's a violation of
6 the company policy to ring in other
7 associates' numbers.

8 Q. On those associate summaries that
9 we looked at regarding Stephanie Darby, do
10 you know if she rang all of those sales or
11 if they were just rung under her number?

12 A. You know what, I can't honestly
13 sit here and tell you that I do. Because
14 I don't even know whether all these --
15 whether someone rung them under mine, I
16 don't know.

17 Q. Same thing for Carolyn Landers,
18 do you know if she rung those sales under
19 her number?

20 A. I can't honestly say that she
21 rang them either. I don't know. But if
22 you're looking at it, that's her associate
23 number, just like 2428 is mines.

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1 Q. I'm going to show Defense Exhibit
2 13 is your response to our -- whoops, I put
3 that upside down. Responses to Sears'
4 discovery requests.

5 (Defendant's Exhibit No. 13 was
6 marked for identification.)

7 Q. I'm trying to find my copy here.
8 Hang on a second. If you look on the -- i
9 don't know what page it is. But it's the
10 statement that's attached to it.

11 A. Yeah.

12 Q. Okay. Do you know when you
13 drafted that?

14 A. I'm not sure of the date.

15 Q. Do you know the approximate time
16 that you would've drafted that?

17 A. I don't.

18 Q. You don't?

19 A. (Witness nodding head.)

20 Q. Can you tell me if it was before
21 or after you filed your lawsuit against
22 Sears?

23 A. It was after, I know that.

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1 Q. Now, you say in that statement
2 Carolyn Landers used the coupon on August
3 28th, 2004 and September 30th, 2004. Were
4 those some of the transactions that we
5 looked at a while ago?

6 A. It should be in here, yeah.

7 Q. And you said you don't know if
8 those customers have received a service
9 call; is that right?

10 A. I don't.

11 Q. And in here you say Stephanie
12 Darby used the coupon on May 8th, 2004, May
13 18th, May 24th and July 30th and no adverse
14 action was taken against her. Do you know
15 -- and you stated earlier you didn't know
16 if those times she used the coupon, if
17 those customers had had a service call; is
18 that right?

19 A. I don't.

20 Q. Okay. And you don't know if
21 management was aware of those transactions
22 or if those customers had had a service
23 call; is that right?

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1 A. I don't.

2 Q. Okay. Same thing with Carolyn
3 Landers, management didn't know if those
4 customers had had a service call; is that
5 right?

6 A. I don't know.

7 Q. You don't know?

8 A. Uh-uh.

9 Q. Okay. Now, you say here, Ms.
10 Willis, this basically -- second sentence
11 from the end in the first paragraph: I had
12 not done anything different than I had been
13 doing under the other store managers prior
14 to Mr. Reese being hired and it was never a
15 problem before.

16 A. I hadn't did anything any
17 different.

18 Q. Okay. And are you referring to
19 the fact of using the coupons?

20 A. Well, no, I'm talking about if I
21 used the coupons, it was because that's
22 what management allowed. I mean, I've done
23 my job. I did my job while I was there.

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1 Q. When you said you weren't doing
2 anything different, what are you saying
3 there?

4 A. I did my job, that's what I'm
5 saying.

6 Q. And it was never a problem
7 before --

8 A. The coupon use came under Kenny
9 Reese.

10 Q. Okay. So before Kenny Reese, you
11 didn't use coupons out of the drawer, is
12 that what you're saying?

13 A. If the customers brought them in,
14 I used them.

15 Q. And that was the only time you
16 used them if the customers brought them in?

17 A. During other store managers.

18 Q. Okay. Now, when you called to
19 report unemployment, is that right, they
20 interviewed you, do you recall that?

21 A. Yeah.

22 Q. Okay. And they asked you what
23 happened and you told them the

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1 circumstances, is that right, do you recall
2 that?

3 A. I don't recall what I told them.

4 Q. Regarding your termination?

5 A. I still don't recall what I told
6 them.

7 Q. Okay. I'm marking this as
8 Exhibit 14.

9 (Defendant's Exhibit No. 14 was
10 marked for identification.)

11 Q. Have you seen that before? Does
12 it show it's a document from the Department
13 of Industrial Relations records; is that
14 right? At the bottom where it's stamped --

15 A. Yeah.

16 Q. -- it says certified and true
17 copy of Alabama Department of Industrial
18 Relations; is that right?

19 A. Okay.

20 Q. Okay. At the top left-hand
21 corner, it says Beatrice Willis; is that
22 right?

23 A. Yeah.

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1 Q. It says separation resulted from
2 claimant statement; is that right?

3 A. Yeah, that's what it says.

4 Q. Okay. Now, on the right-hand
5 side, it indicates that in your statement
6 you said that you were terminated by Kenny
7 Reese, the store manager for violation of
8 company policy, do you see that at the top
9 right-hand side?

10 A. Yeah, yeah.

11 Q. Okay. And it says you were
12 accused of illegal use of coupons. And
13 here it says you never illegally used any
14 coupon, is that right, is that what you
15 told them?

16 A. Again, I used them in the manner
17 management allowed us to use them in.

18 Q. So if the customers brought in
19 the coupons; is that right?

20 A. Some of the customers did.

21 Q. Okay. The service techs were
22 supposed to give the coupons to customers
23 who called in for repairs. But they also

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1 gave them to the sales associate to use, is
2 that what you told them?

3 A. I'm not going to say that I did.
4 I don't know.

5 Q. It says you never received any of
6 the coupons. So, in fact, this statement
7 is saying that you only used the coupons
8 when the customer brought them in; is that
9 right?

10 A. Well, no, I'm not saying that.

11 Q. That's not what that says? It
12 says I never illegally used coupons, the
13 customers brought them in?

14 A. I said under other store
15 managers, customers brought them in.

16 Q. It doesn't say that there, Ms.
17 Willis.

18 A. Not up under Kenny Reese.

19 Q. It says that you never illegally
20 used any coupons. They were taking your
21 statement and you said that I never
22 received any of the coupons. And that you
23 used the coupons when the customers brought

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1 them in, is that not what that says?

2 A. That's what this paper says.

3 Q. Okay. And you didn't tell them
4 that?

5 A. I'm not sure.

6 Q. Okay. Because this is
7 inconsistent with what you told me earlier
8 about you used the coupons out of the
9 drawer. And then when you called and gave
10 this statement, you said that you didn't
11 use the coupons illegally. That you only
12 used them when the customers brought them
13 in; is that right?

14 A. I said under other managers, I
15 used them if the customers brought them in.
16 Under Kenny Reese, yes, it was a practice.

17 Q. Okay. But that's not what this
18 says though, right?

19 A. That's what I'm saying.

20 Q. It says you didn't illegally use
21 them, but you only used them when the
22 customers brought them in.

23 A. I did, management was aware of

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1 the coupon use.

2 Q. And when was this statement
3 given? So basically you told the
4 Department of Industrial Relations that you
5 only used the coupon when the coupons were
6 brought in by the customers; is that right?

7 A. Under other store managers.

8 Q. It doesn't say under other store
9 managers there, does it?

10 A. I'm telling you that that's what
11 I'm saying under other store managers,
12 under Kenny Reese, it was practice.

13 Q. Now, in this same statement,
14 let's go back to Exhibit 13, you say also
15 that you were being -- in the second
16 paragraph -- I'm sorry -- that you are
17 being discriminated against because of
18 reprisal because you called Sears' ethics
19 hotline. So is that my understanding you
20 think that you were terminated because you
21 called the Sears' hotline to complain about
22 scheduling?

23 A. Well, I think that was part of